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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
ITL.0450US

In Re Application Of: Jim B. Estipona

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/663,601	September 18, 2000	Son P. Huynh	21906	2623	4352

Invention: Terminating Enhanced Television Broadcasts


COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on  
August 28, 2006

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Dated: October 25, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Jim B. Estipona

Serial No.: 09/663,601

Filed: September 18, 2000

For: Terminating Enhanced  
Television Broadcasts

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Art Unit: 2623

Examiner: Son P. Huynh

Docket: ITL.0450US  
P9561

Assignee: Intel Corporation

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**APPEAL BRIEF**

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*Cynthia L. Hayden*  
Cynthia L. Hayden

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### **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

**RELATED APPEALS AND INTERFERENCES**

None.

## **STATUS OF CLAIMS**

Claim 1 (Rejected).

Claims 2-3 (Canceled).

Claims 4-7 (Rejected).

Claims 8-9 (Canceled).

Claim 10 (Rejected).

Claims 11-12 (Canceled).

Claim 13 (Rejected).

Claim 14 (Canceled).

Claim 15 (Rejected).

Claim 16 (Canceled).

Claims 17-19 (Rejected).

Claims 1, 4-7, 10, 13, 15, and 17-19 are rejected and are the subject of this Appeal

Brief.

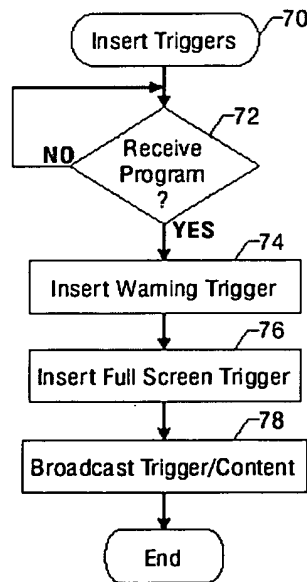
## **STATUS OF AMENDMENTS**

All amendments have been entered.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

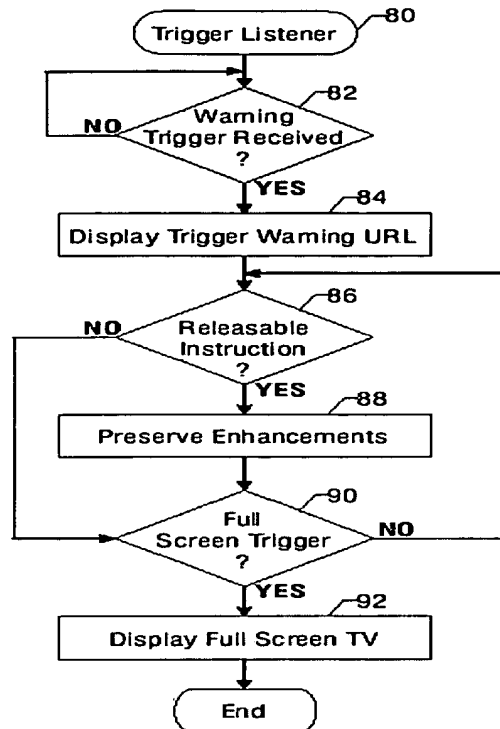
In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:  
transmitting an enhanced television program and a real time event (Figure 5, 78, specification at page 10, lines 3-8);  
automatically transitioning display of the program to full screen at the end of the program in response to said real time event to prevent accessing enhancements (Figure 6, 92, specification at page 11, lines 23-26);  
transmitting a real-time event that warns the user that the end of a program is approaching (Figure 5, 74, specification at page 9, line 13 to page 10, line 2); and  
enabling the user to elect to retain enhancements after receiving said real-time event warning of the end of the program (Figure 6, 88, specification at page 11, lines 15-22).



**FIG. 5**





**FIG. 6**

17. A system comprising:
  - a processor-based device; and
  - a storage coupled to said processor-based device storing instructions that enable the processor-based device to automatically transition display of an enhanced television program to full screen at the end of the enhanced television program in response to a real time event to prevent the display of enhancements thereafter (Figure 6, 92, specification at page 11, lines 23-26), transmit a real-time event that warns the user that the end of an enhanced television program is approaching (Figure 5, 74, specification at page 9, line 13 to page 10, line 2); and
  - enable the user to elect to retain enhancements after receiving said real-time event warning of the end of the program (Figure 6, 88, specification at page 11, lines 15-22).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Are Claims 1, 4-7, 10, 13, 15, and 17-19 Indefinite Under 35 U.S.C. § 112, Second Paragraph, for Failing to Particularly Point Out and Distinctly Claim the Subject Matter?
- B. Are Claims 1, 4-7, 10, 13, 15, and 17-19 Anticipated Under 35 U.S.C. § 102(b) by Advanced Television Enhance Forum Specification (ATVEF)?

## **ARGUMENT**

**A. Are Claims 1, 4-7, 10, 13, 15, and 17-19 Indefinite Under 35 U.S.C. § 112, Second Paragraph, for Failing to Particularly Point Out and Distinctly Claim the Subject Matter?**

The objection that the claim lacks antecedent basis is incorrect. There is antecedent basis for “the program” used in lines 3, 4, and 8 of claim 1 at line 2 (“transmit an enhanced television program”). The same deficiency inheres in the rejection of the other claims. Therefore, the rejection should be reversed.

**B. Are Claims 1, 4-7, 10, 13, 15, and 17-19 Anticipated Under 35 U.S.C. § 102(b) by Advanced Television Enhance Forum Specification (ATVEF)?**

Claim 1 *inter alia* calls for transmitting a real time event that warns the user that the end of a program is approaching and enabling the user to retain enhancements after receiving the real time event warning of the end of the program.

The office action cites the ATVEF specification and postulates certain operations thereof. To summarize, it is apparently contended that a trigger includes a human readable name and that such a trigger is transmitted to shut down enhancements. Then, it is postulated that the trigger warns the user of an end of program and the client can decide to replace a new page with new enhancements or to retain the current page.

Initially, it is noted that the inclusion of a human readable name in the trigger is only an option. Thus, nothing in the specification that teaches using that option in a specific situation to warn a user is at the end of the program is approaching. Therefore, there is no basis for the postulated operation. It is simply the application of hindsight reasoning to pick and choose from among options that are available within the reference but which the reference never suggested be applied in the specific circumstances claimed.

Moreover, the alleged human readable name would not be user readable. As explained in the specification at pages 6 and 7, the name follows the EIA-746A standard which is seven bit ASCII, the high order bit of the first byte being zero. Examples of the syntax are provided at the top of page 7. Certainly, nothing in this information would provide a real time event that would warn the user that the end of the program is approaching. If a trigger was even provided to

indicate the end of the program (which nothing in the reference suggests) and that trigger selected the human readable option, the user still would get no useful information out of such a trigger. Therefore, there is not a transmission of a real time event that could warn the user that the end of the program was approaching.

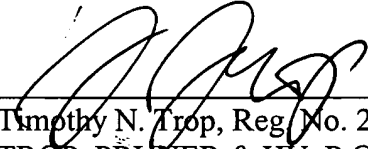
Further, it is postulated that the trigger is transmitted to shut down the advancement. However, the material cited in support of this proposition suggests that a trigger may be transmitted to shut down an application, not an enhancement. See the bottom of page 27. Thus, again, the postulated operation, which is respectfully suggested is driven by hindsight reasoning, is not supported by the ATVEF specification.

Finally, it is suggested that the client can decide to replace a new page with a new enhancement or to retain the current page. But even if that were so (and it is not conceded), this provides no such power in the user. The fact that it is postulated that the client could read a trigger name if such were optionally included, still does not provide anything to the user. In other words, nothing in the specification suggests providing some notification to the user as opposed to the client itself.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: October 25, 2006

  
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## **CLAIMS APPENDIX**

1. A method comprising:
  - transmitting an enhanced television program and a real time event;
  - automatically transitioning display of the program to full screen at the end of the program in response to said real time event to prevent accessing enhancements;
  - transmitting a real-time event that warns the user that the end of a program is approaching; and
  - enabling the user to elect to retain enhancements after receiving said real-time event warning of the end of the program.
4. The method of claim 1 including transmitting said real-time event through an Internet Protocol multicast.
5. The method of claim 1 wherein transmitting a real-time event includes transmitting a trigger.
6. The method of claim 5 wherein transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator.
7. The method of claim 6 wherein transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol.
10. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:
  - transmit an enhanced television program and a real time event;
  - automatically transition display of the enhanced television program to full screen at the end of the program to prevent access to enhancements by transmitting said real time event;
  - transmit a real-time event that warns the user that the end of the program is approaching; and

enable the user to elect to retain enhancements after receiving said real-time event warning of the end of the program.

13. The article of claim 10 further storing instructions that enable the processor-based system to transmit a real-time event in the form of a trigger.

15. The article of claim 13 further storing instructions that enable the processor-based system to transmit a trigger including a Uniform Resource Locator in the form of the tv: protocol.

17. A system comprising:  
a processor-based device; and  
a storage coupled to said processor-based device storing instructions that enable the processor-based device to automatically transition display of an enhanced television program to full screen at the end of the enhanced television program in response to a real time event to prevent the display of enhancements thereafter, transmit a real-time event that warns the user that the end of an enhanced television program is approaching; and  
enable the user to elect to retain enhancements after receiving said real-time event warning of the end of the program.

18. The system of claim 17 wherein said storage stores instructions that enable the processor-based device to transmit a trigger that indicates the end of the program.

19. The system of claim 18 wherein said storage stores instructions that enable the processor-based device to transmit a trigger including a Uniform Resource Locator using the tv: protocol.

## **EVIDENCE APPENDIX**

None

**RELATED PROCEEDINGS APPENDIX**

None